DOCUMENT RESUME

ED 260 346 CG 018 439

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TITLE Advocacy in School Psychology: Problems and Procedures.
PUB DATE Apr 85
NOTE 10p.; Paper presented at the Annual Meeting of the National Association of School Psychologists (17th Las Vegas, NV, April 8-12, 1985).
PUB TYPE Viewpoints (120) -- Speeches/Conference Papers (150)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Child Advocacy; *Childrens Rights; Child Welfare; Confidentiality; *Counselor Client Relationship; *Counselor Role; Elementary Secondary Education; *Legal Responsibility; *School Psychologists

ABSTRACT

Inherent in the many roles of a school psychologist is a primary responsibility to act as a child advocate. Child advocacy carries with it a variety of definitions, all of which are concerned with aligning oneself with the cause of either an individual child or a group. Child advocacy involves asserting and defending those rights of an individual or group which have been formalized in law and working to extend (through personal or political intervention, legislation and litigation) the children's rights to include those elements which have yet to be formalized. Advocacy has an extensive heritage not only in the practice of law, but also in education related professions. Although it is relatively simple to recognize who is the legal advocate's client, the psychologist-as-advocate must recognize competing loyalties to self, employer, parent, the child, and others. Where children are concerned, psychologists do not, generally, hold the same privileged client relationship as the physician, lawyer, or theologian. If a student wishes to discuss sensitive matters with a psychologist, at the beginning of the discussion the psychologist may choose to dislose the potential limits of confidentiality. Although child advocacy can be emotionally painful, psychologists are in an ideal position to advocate for children. In so doing, they can also model justice for children, help children understand their own rights and responsibilities, and help them become more effective as self-advocates. (NRB)

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Advocacy in School Psychology: Problems and Procedures

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Address correspondence to the author at 412 White Hall, Kent State University, Kent, OH 44242. Presented at the Annual Convention of the National Association of School Psychologists, April 1985, Las Vegas, NV. This presentation is based on a chapter prepared by the presenter and Lynn Sametz, Ph.D, published in Educators, Children, and the Law, Edited by L. Sametz & C. S. Mcloughlin, 1985, Springfield, IL: Charles C Thomas.

While the psychologist is jointly a scholar, decision maker, interactor and instructor, inherent in these roles is a primary responsibility to act as a child advocate.

The psychologist's foremost professional concern and responsibility is the child's welfare. The role definition for the psychologist has tended to focus on professional and procedural matters rather than on child-centered concerns. The psychologist optimally functions within four domains:

scholar,
decision maker,
interactor, and
instructor.

However, these roles tend to define the "job" of the psychologist, rather than signal a relationship to the child.

Embedded in each of these role descriptions is an unstated acceptance of the psychologist's responsibility to act on behalf of the child; that is, to be a child advocate. Contemporary psychologists have numerous ways to affirm their concern for children through meaningful advocacy action. In our current complex and legally oriented society, this implied role may need to be formalized and explicitly stated.

What is advocacy?

Child advocacy is "assuming in varying degrees and ways, responsibilities for promoting and protecting the developmental needs of both an individual child and children in general." Advocacy involves aligning oneself either with the cause of an individual or a group. This dual responsibility requires a concern for the individual child, and for children as a class within the population. Bersoff (1982) further expands this definition by distinguishing between those who act "in behalf of" the child as opposed to those who act "on behalf of" the child. Persons who act in behalf of another are not required to consult with the client's beneficiaries but are enjoined to trust their own judgments. Acting on behalf of the child is to act in another's place—the advocate's role.

Various definitions of child advocacy exist:

"... a nationwide network that will ensure to every child whatever services, programs, and resources may be required to facilitate his normal development" (Lewis, 1970, p. 475).

"intervention on behalf of children in relation to those services and institutions impinging on their lives" (Kahn, Kamerman, & McGowan, 1972, pp. 10-11).

"an independent movement of consumers (eg. parents, people with disabilities, and children) and their allies to monitor and change human service agencies" (Biklen, 1976, p. 310).

In developing a manifesto for advocates, Biklen (1976) identified principles to guide the work of the service system advocate:

1. Advocates identify those conditions that free persons from dependence on charity and assist them in achieving independence and rights to human services.

2. As allies of consumers, service system advocates treat them as equals, as people who are strong and capable and who do not want to be falsely glorified or martyred. Normalization of the service system consumer is a shared goal of both the individual and the advocate.

3. Advocates are motivated by a desire to change services for the consumer, not by pity or guilt for the consumer. Pity does not help the service system consumer; action does.

4. Advocates must have the strength to withstand possible antagonism from the service systems they oppose and must be ready to confront these systems in order to change them.

According to Knitzer (1976, cited in Melton, 1983, p. 31), advocacy programs are based upon the following underlying assumptions:

1. Advocacy assumes people have, or ought to have, basic rights.
2. Advocacy assumes rights are enforceable by statutory, administrative, or judicial procedures.
3. Advocacy efforts are focused on institutional failures that produce or aggravate individual problems.
4. Advocacy is inherently political.
5. Advocacy is most effective when it is focused on specific issues.
6. Advocacy is different from the provision of direct services.

Advocacy by psychologists should not be interpreted as implying an adversarial process. That is not to suggest that the task of advocacy is always a cordial and collegial affair. Sometimes it can become emotionally painful and professionally risky to speak out for a child, or for children in general. However, psychologists should be prepared to articulate their professional interpretation of circumstances without feeling that they are somehow betraying the "fraternity of psychology.""

While lawyers are trained to engage in the art of legal argument from an impersonal perspective, psychologists can be advocates without this training and perhaps be more persuasive because they speak from a basis of extensive child contact. Psychologists unlike lawyers, possess a thorough understanding of their client's—the child's—developmental abilities. These attributes, combined with the functions of scholar, decision maker, interactor, and instructor enable the psychologist to act as a very effective and knowledgeable advocate.

Advocacy Models

Child care professionals, other than psychologists, have articulated clearly their responsibilities as child advocates. For the social worker, "advocacy has even been said to be one of the core activities that distinguishes social work...from other helping professions" (Sosin, & Caulum, 1983, p. 12).

School psychologists may be involved in advocacy issues on a daily basis. As the realization of a need to protect the child's welfare has increased, efforts to protect children's rights within the school have gathered momentum. Consequently, the role of the school psychologist as advocate is becoming recognized as fundamentally important, and may have grown "naturally out of assessment and programming functions." It is a typical expectation that the school psychologist will be involved in gathering data, evaluating needs, and facilitating change. Additionally, we have experience in delivering a service, which helps us better to understand the client's needs and problems and to know which services are available from service providers.

School psychologists generally are trained to intervene on a child's behalf. The psychologist, as advocate, is concerned about the child's appropriate special education placement, implementing educational alternatives and in some instances in safeguarding the child's welfare. On other levels the school psychologist may be the child's advocate in a juvenile court hearing, or in a parent-child conflict situation.

Professional lobbyists, mental health agencies and the legal community have established advocacy efforts directed toward improving children's lives. The Children's Defense Fund (CDF) is probably the most successful professional lobbying group for children. Largely due to CDF's efforts, Congress has maintained funding for some programs that otherwise would have been cut. As an advocacy group, CDF voices concerns for all children rather than a specific child. Mental health agencies have a long history of

helping children to obtain individual services, and also have forced legislatures to focus on the broad issues surrounding children's mental health needs.

Lay advocacy

We routinely act as advocates every time we speak for ourselves. Additionally, when we speak on behalf of another we can take on an advocacy role. Lay advocates generally help someone assure their rights. Advocates also can be helpful to a client by collecting information from individuals, state, and federal agencies. An advocate may be involved in referring someone to an agency or an attorney, investigating situations from an impartial but knowledgeable viewpoint, and researching issues. Advocacy implies representing another. Of course, this requires that the person knows of the representation, and consents to it. Consent is not enough, however, for the client also must be informed about the advocate's limits in skill and experience in matters of law.

A lay person who gives advice about the law can be cited for civil and even criminal malpractice for the unauthorized practice of law. These penalties may be reasonably and appropriately avoided, by assuring that the client recognizes that the giver of information is not an attorney. The lay advocate may neither submit documents to a court on a client's behalf, nor represent a client in court. Prior to embarking on any plan of advocacy action relating to document preparation, or representing a client in an agency hearing, a lay person should consult with an attorney to check that such plans could not be construed as the unlicensed practice of law. Without exception, the client will need to be told and regularly reminded that the person giving advice as an advocate is not an attorney, nor one trained in law.

The advocate's role depends in greater part on the client's intentions. Advocacy may simply involve making information available or facilitating its retrieval, in other cases dealing with an agency on a client's behalf may be involved. While recognizing that it is the client's goals that are being served in the interaction, with or without recommendations or suggestions from the advocate, most relationships are to help the client secure something. Clearly, the advocate provides a personal and professional disservice by advocating, without expert assistance, in an area outside of his or her specific expertise.

Advocates also perform a major disservice when hopes are raised inappropriately. By supportive, empathic listening to a set of unreasonable demands, the advocate may may seem to imply agreement and a readiness to lend wholehearted support. Even scheduling a subsequent meeting "to talk about the matter" can lead to later disappointment. A plain language, even blunt, appraisal of the listener's opinion, and a prompt referral to a legal expert competent in that area for a second (expert) opinion may safeguard the client from building unreasonable expectations. Psychologists are professionals, but only in the arena of psychology; rarely are they also professionally trained and competent as advocates.

Who does the advocate serve?

Lawyers are trained advocates. Their role is to represent the client as persuasively and articulately as possible. As a legal advocate, the lawyer is trained to put aside personal beliefs and argue for the client's wishes. Lawyers are skilled at compiling the facts of a case and then presenting, either in written or verbal form, a cogent argument to persuade the judge or a court to decide in favor of their client.

The legal advocate's allegiance is usually clear: the lawyer works for the client and only the client. Normally, it is the client who is responsible for paying the attorney's fee. However, what if the client is a six-year-old in his parents' divorce case, or a six-month-old in a child abuse case? If the state appointed the lawyer to be the child's legal guardian, then again the allegiance is clear: the child is the client. On the other hand, suppose the parents of a 12-year-old delinquent hire an attorney to advocate in court for one kind of treatment, while the child would like another. The role of the advocate becomes less clear. The child is the client, but the parent pays the fee. Advocating for the child's interests may cause the parent to dismiss the attorney. The code of ethics state that lawyers must advocate for the child. Yet, from an economic standpoint the lawyer should serve the parents' interests. Thus, the attorney may have a conflict: the ethical versus the economic.

The psychologist, like the lawyer, also has an advocacy role. Parallels can certainly be drawn between the legal advocate and the psychologist-as-advocate. While the psychologist explicitly may not have been trained in advocacy, the psychologist has been trained to intervene on behalf of children. The psychologist-as-advocate is concerned about the child's rights, the school system's accountability, and implementing the best of all the educational alternatives to meet the child's emotional and intellectual needs. The psychologist, then, needs to develop an argument that persuades the school administration to decide on the child's (or children's) behalf.

Psychologists may be engaged in social or individual advocacy. These correspond to the legal terms, class or case advocacy, respectively. As a social advocate, the psychologist may try to implement school-based or policy changes. For example, psychologists testifying at public hearings are social advocates. Individual or case advocacy involves protecting a particular child's rights, and while this form of advocacy may have long-term effects, the individual child is the primary concern.

The question of who is the client may be as problematic to the psychologist as to the lawyer. In many advocacy situations this question may never arise, but when there is conflict over rights, standards or values, the psychologist may be in a dilemma. This conflict could arise between parents and their children, between parents and the school administration, or between all three parties. It is best to remember that law is premised upon the assumption that parents are generally best able to represent their child. However, this is not a conclusive presumption for it can be rebutted if convincing evidence is presented that indicates that the "parents are unable, or refuse, to care for the physical or emotional needs of their children" (Bersoff, 1975, p. 370).

The issue of who is the client is not easily resolved. No clearcut answers exist. In conflict situations between the parent and the child, is the psychologist to be an advocate for the parent or for the child? While the decision will undoubtedly vary according to the facts, one role of the psychologist could be to mitigate the conflict. When conflicts arise between the parent (or the child) and the school administration, psychologists may find themselves in a particularly troublesome situation. If psychologists, especially if contracted as nontenured teachers, advocate for the parent (or child), might they find themselves out of a job? On the other hand, to side with the school may mean that the child will lose services and, thus, an opportunity for an appropriate education. As a state employee, the psychologist is subject to the policy of the Board of Education, and it could be argued that the psychologist must act on behalf of the Board when conflicts arise. However, this is complicated by the fact that in many states the Board serves at the will of the electorate. Parents are part of that electorate; therefore, it could also be argued that the Board should serve parents' wishes. Thus, if parental interests conflict with Board policy, who should the psychologist serve?

The matter of confidentiality can raise a similar dilemma. If the child tells the psychologist that he is experimenting with drugs, is involved in shoplifting, or asks for specific birth-control information, is the psychologist bound (or even allowed) to reveal this to the parents? If the parent directly asks the psychologist about these topics, in the context of a report about their child, must the psychologist give this information? It is important to remember that psychologists do not, generally, hold the same privileged client relationship as the physician, lawyer, or spiritual counselor/theologian. Therefore, if a student wishes to discuss sensitive matters with a psychologist, at the beginning of the discussion the psychologist may choose to disclose the potential limits of confidentiality. In some situations this might avoid instances in which psychologists find themselves caught between the parent and the child. Of course, this may also cause some distancing between the psychologist and the class, and a degree of wariness shown by some children; however, there can be few absolute "secrets" between child and psychologist.

The psychologist role as an advocate is not simply supplementary to the role as scholar, decision maker, interactor and instructor, but also is complementary; for, advocacy can be an essential component of each of these functions.

Risks associated with child advocacy

New roles and responsibilities invariably incur risks. Advocacy is especially controversial in the current times which reflect an increasingly conservative federal administration. It is because advocacy is controversial that it is important to formalize child advocacy systems and procedures (Phillips, 1981). The sensitive advocate will not wish to lessen the chances for future successful involvement with parents, colleagues, or school administration by an advocacy style which polarizes the psychologist away from these people. Working within a system, albeit one that was not designed for advocacy, will generally be more productive than fighting. For the advocate, the risks may involve the psychologist own professional career, the child's situation both in the classroom and at home, and the psychologist relationship to colleagues and the community.

For those who perceive an undue importance to this fifth role there are clear liabilities. Either the psychologist directly, or children indirectly, may become overzealous in seeking to establish an improper interpretation of their "rights." Most rights and privileges are formulated in societal standards and expectations, and only later are determined by law. It is arguably unprofessional for the psychologist routinely to be functioning at the cutting edge between those rights afforded traditionally, and those which only are gained through the active involvement of regulatory agencies.

Advocates who proslytize on behalf of children's rights may become unwelcome as colleagues. Such an overinvolvement in this fifth role of advocate, at the expense of adequate attention to the other four, can be cause for the psychologist to be ostracized by colleagues for purportedly pitting children against adult society and neglecting their other professional obligations. However, there can be no excuse for failing to speak out on behalf of children when problems become obvious. And, equally, advocacy is not a task to be done only when all else is complete in the traditional agenda of tasks. In other words no hierarchical level of involvement is suggested for the psychologist—advocacy is an essential role which complements and enhances performance as scholar, decision maker, interactor and instructor. Nevertheless, the psychologist who vigorously pursues others' rights without attention to traditional responsibilities becomes vulnerable to justified criticism.

Outcomes from advocacy are not immediate, except in the sense of gaining a short-term advantage for an individual. Rather, advocacy is generally a process of gaining allies for a position of awareness about others' rights. It may be the creation of an atmosphere where bigoted or simply unfair statements or actions are given a second thought, and where the perpetrator of such ideas finds it hard to gain credibility for those points of view. Advocacy can be as much a state of mind as an action. Certainly, advocacy does not have only to be thought of as directed towards changing legislation, the law, or creating sweeping reforms. "Advocacy is often misunderstood as representing exclusively high intensity conflictual processes" (Conoley & Conoley, in press). Some of the most valuable acts of advocacy go unseen except by those upon whom they impact directly. Thus, advocacy is a legitimate enterprise for psychologists, but militant advocacy (except in extremely rare situations) most probably is not appropriate, or even necessary for the child or the profession.

SUMMARY

The major points illustrated will now be recapitulated:

- While psychologists certainly have responsibilities to act as scholar, decision maker, interactor, and instructor, these roles can appropriately be welded together through a consideration of the psychologist-as-advocate. This role is not merely an extension of the list of tasks inherent in the work of the psych—it is a foundation role, and one upon which the other roles can be developed.

- Child advocacy carries with it a variety of definitions, but inherent in advocacy is the aligning of oneself with the cause of either an individual or a group.

- Advocates must respect for the dignity of those they represent—the relationship has none of the tenor of early charities and welfare agencies.

- Child advocacy involves asserting and defending those rights of an individual (or group) which have been formalized in law, and working to extend (through personal or political intervention, legislation and litigation) the children's rights to include those elements which have yet to be so formalized.

- Advocacy has an extensive heritage not only in the practice of law, but also in several other education-related professions. These practitioners have a background and experience in advocacy which is relevant to advocacy-in-education.

- Lay advocates have different standards from lawyers. Their intent may be the same, but the lay advocate must make clear to the client that they are not attorneys.

- It is usually a relatively simple matter to recognize who is the legal advocate's client. Such is not always the case for the psychologist, who must recognize competing loyalties to self, employer, parent, and child, and others.

- Advocacy typically involves dealing with sensitive matters. But where children are concerned the psychologist-as-advocate cannot lean on the same privileged and safeguarded confidential relationship as other professionals, such as lawyers.

- Psychologists are in an ideal position to advocate for children. In so doing they can also model justice for children, help children understand their own rights and responsibilities, and help them become more effective as self-advocates.

- Child advocacy can be emotionally painful. It brings risks. It can be divisive among faculty—yet it is an obligation for the professional. However, there are clear benefits which can be identified as they relate to the psychologist as scholar, decision maker, interactor, and instructor.

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The Psychologist as an Advocate: Responsibilities and Child Outcomes

	Psychologist Responsibilities as an Advocate	Child-Oriented Gains
Psychologist as Scholar	0 Obtain and maintain knowledge of the law as it affects children, including precedents. 0 Maintain current knowledge of thinking in behavioral and social sciences. 0 Self analysis: determine if problems are child- or Psychologist-oriented. 0 Commitment to a continuing self education.	0 Psychologist is better able to advocate for children's rights. 0 Exposes children to contemporary educational practices. 0 Reduced behavior problems from children who recognize their responsibility. 0 Democratic classrooms promote fairness in conflict resolution.
Psychologist as Decision Maker	0 Determine most appropriate methods for controlling problem behavior in the classroom. 0 Decide codes of conduct or classroom rules. 0 Refer or report suspected child abuse. 0 Refer the child, where necessary, to other special education services. 0 Determine obligations and liabilities relating to retention. 0 Recommend out-of-school child rearing practices.	0 Decreased incidence of problem behavior promotes increased classroom learning. 0 Diminished frustration in the classroom. 0 More appropriate educational placement and additional services. 0 Reduced Psychologist-parent conflicts regarding inappropriate referral and placement decisions. 0 Contemporary child development knowledge reflected in parents' practices.

Psychologist as Interactor	0 Treat all children as individuals at examination. 0 Advocate policy changes, e.g., curriculum changes related to sexist materials and nonbiased treatment of minority students. 0 Consult with colleagues regarding special education referrals, abuse, etc. 0 Recommend and discuss advocacy roles and responsibilities in school meetings. 0 Discuss child-oriented problems with parents.	0 Increase each child's self respect. 0 Reduced child-child displays of bias and prejudice. 0 Obtain appropriate services for children. 0 Promote parents' concern and participation in children's education/development.
Psychologist as Instructor	0 Teach to each child's unique needs and abilities. 0 Model democratic nonbiased behaviors. 0 Teach age-appropriate ethical and legal concepts, rights and responsibilities, and realistic expectations. 0 Provide informational resources to colleagues and parents.	0 Individualized educational programs. 0 Develops unprejudiced citizens. 0 Enhances children's awareness of the legal systems and personal and civic responsibilities.